IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10638 of 2004

Between:

Sri Ram Milan Yadav, S/o. N. Ram Yadav,
H.No. 3-12-246, Sri Hanuman Temple, Tirumalagiri, Secunderabad.

..... PETITIONER

AND

1 Government of A.P., Rep by its Prl. Secretary-Revenue,
Endowments Department, Hyderabad.
2 The Regional Joint Commissioner, Multi Zone - III, Endowments Dept.,
Hyderabad.
3 The Dy. Commissioner of Endowments, Endowments Department, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in seeking to evict the petitioner from 3-12-246 Sri Hanuman Temple, Tirumalagiri, Secunderabad, is unconstitutional and consequently set aside the orders of R2 in RP 188 of 2003 dated 4-06-2004 and direct the respondent to permit the petitioner to stay in the schedule premises 3-12-246 Sri Hanuman Temple, Tirumalagiri, Secunderabad, without any hurdles.

Counsel for the Petitioner:MR.K.S.MURTHY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following Order:

This writ petition is filed aggrieved by the action of the respondents to evict the petitioner from the premises bearing No.3-12-246, Sri Hanuman Temple, Thirumalagiri, Secunderabad, where he is residing for the last two decades.

According to the petitioner, he was inducted into the possession of the premises as he was rendering Archakavatvam in the Hanuman Temple. As there was a dispute as to the entitlement of occupation of the petitioner, the authorities filed a petition under Section 83 of the Endowments Act before the third respondent-Deputy Commissioner, Endowments Department, Hyderabad in O.A.No.145 of 2002. Though the petitioner contested the said petition, it was allowed declaring the petitioner as an encroacher and directed to vacate the schedule premises. Thereafter, the petitioner preferred a revision before the second respondent-Regional Joint Commissioner, Endowments by way of R.P.NO.188 of 2003, which was disposed of on 04-06-2004 confirming the order of the third respondent. Against the said order, the petitioner filed a revision before the Government along with an application for stay of eviction. But the petitioner apprehends that no orders could have been passed by the Government as the Assembly is in Session. The Government did not pass any orders even on the stay petition in view of the Sessions going on in Assembly.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

Admittedly, the petitioner's revision filed before the Government is

pending. As long as the petitioner's revision is disposed of, it is not proper to evict the petitioner from the schedule premises.

Under the above circumstances, the writ petition is disposed of directing the first respondent-Government to dispose of the revision of the petitioner expeditiously, preferably within a period of three months. Till the disposal of the revision petition of the petitioner by the Government, the respondents are directed not to evict the petitioner from the premises.

The writ petition is accordingly disposed of. No order as to costs.

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(S.ANANDA REDDY, J)

25th JUNE, 2004.

Note: wire copy already despatched.

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To

1 The Principal Secretary-Revenue, Government of A.P.,
Endowments Department, Hyderabad.
2 The Regional Joint Commissioner, Multi Zone - III, Endowments Dept.,
Hyderabad.
3 The Dy. Commissioner of Endowments, Endowments Department, Hyderabad.
4. Two CCs to the Government Pleader for Endowments, High Court

Buildings, A.P., Hyderabad.(OUT).
5. Two CD copies.